



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during July 2011
DISTRIBUTED: August 24, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Air:

Starch Partners, LLC d/b/a Aroostook Starch Company, Fort Fairfield, Maine. Starch Partners, LLC d/b/a Aroostook Starch Company ("Aroostook Starch") violated provisions of its Department-issued air emission license by failing to maintain and operate all emission units and air pollution control systems in a manner consistent with good air pollution control practice for minimizing emissions, failing to log maintenance, and failing to notify the Department of a malfunction of pollution control equipment. Specifically, Aroostook Starch shut water off to the facility's cyclone while the facility was in operation, failed to record shut down of the water supply to the cyclone in maintenance logs, and failed to notify the Department of the malfunction of the cyclone water supply as required by the facility's license. To resolve the violations, Aroostook Starch paid \$2,450 as a civil monetary penalty.

Land:

Paul E. Cantrell, Jr. and Deborah A. Cantrell, Lebanon, Maine. Paul E. Cantrell violated Maine's *Natural Resources Protection Act* and the Department's *Permit by Rule* standards by filing a permit by rule notification form and not following permit by rule standards. In addition, the Paul E. Cantrell and Deborah A. Cantrell violated the *Natural Resources Protection Act* by causing fill material to be placed adjacent to a great pond without first obtaining a permit from the Department and by causing a permanent structure to be constructed in a great pond without first obtaining a permit from the Department. Specifically, Paul Cantrell submitted a permit by rule notification to replace a ninety-nine foot long stone retaining wall at the edge of Northeast Pond. A Department inspection revealed that by adding a new five-foot footer the stone retaining wall was reconstructed closer to the pond than allowed by permit by rule standards and fill was placed behind the new wall contrary to permit by rule standards. In addition, new concrete steps were constructed to the bottom of the pond from the edge of an existing access way. Following Department involvement, Paul E. Cantrell submitted a restoration plan to the Department to restore altered portions of the pond and reduce the wall to its original dimension. To resolve the violations, the Cantrells agreed to reduce the height of the wall, restore the area behind the wall, remove the concrete steps, and paid \$1,564 as a civil monetary penalty.

Sugarloaf Mountain Corporation, CNL Income Sugarloaf, LLC, Carrabassett Valley, Maine. CNL Income Sugarloaf, LLC and Sugarloaf Mountain Corporation violated Maine's *Site Location of Development* law by conducting tree cutting and the expansion of a building without first obtaining a permit from the Department and Maine's *Natural Resources Protection Act* by disturbing soil, removing vegetation, and altering a permanent structure in a protected natural resource without first obtaining a permit from the Department. Specifically, in 2007 and 2008, a restaurant on property owned by CNL Income Sugarloaf, LLC and operated by Sugarloaf Mountain Corporation was expanded. Approximately 40,000 square feet of forested area in a fragile mountain area had been cleared incrementally since 2007 to allow for the building expansions and to improve skier safety. Following Department involvement, CNL Income Sugarloaf, LLC submitted after-the-fact *Site Location of Development* and



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Natural Resources Protection Act permit applications for the expansion of the restaurant and the vegetation removal. The after-the-fact permit applications were approved by the Department. To resolve the violations, Sugarloaf Mountain Corporation and CNL Income Sugarloaf, LLC paid \$7,300 as a civil monetary penalty.

Water:

Town of Hartland, Hartland, Maine. The Town of Hartland ("Hartland") violated provisions of a Department-issued waste discharge license for the town's waste water treatment facility by: utilizing an unapproved test procedure for conducting 5-day biochemical oxygen demand testing; failing to conduct mercury testing in accordance with the frequency required by the license; failing to conduct monitoring for total residual chlorine in accordance with the frequency required by the license; exceeding the facility's license limit for total suspended solids; failing to maintain the facility in good working order and maintain it at maximum efficiency by being unable to pump polymer to the facility's primary clarifier for several days; failing to timely report noncompliance related to the inability to pump polymer; exceeding the facility's license limit for chromium; exceeding the facility's license limit for aluminum; exceeding the facility's license limit for biochemical oxygen demand; failing to monitor for chromium in accordance with the frequency required by the license; failing to timely submit a toxicity reduction evaluation plan; failing to monitor for total residual chlorine in accordance with the frequency required by the license; failing to timely submit a technical evaluation concerning the need to revise local limits concerning the facility's pretreatment program; failing to timely provide a list of proposed changes for the facility's pretreatment program; failing to enforce effluent limits and failing to obtain appropriate remedies for noncompliance by an industrial user concerning the pretreatment program; failing to adequately address pump station operation and process control in an operation and maintenance plan; and failing to have an alternate power supply for a pump station. To resolve the violations, Hartland agreed to: subject to the availability of funding and Department review repair or replace the ventilation air monitoring system in the wastewater treatment system headworks, send written reports to the Department until funding is available stating Hartland's efforts to secure funding for the headworks ventilation and air monitoring system, and notify the Department when repair or replacement of the headworks ventilation and air monitoring system has been completed. In addition, Hartland was assessed a penalty of \$26,680, of which all but \$1,141 was suspended based upon a review of Hartland's finances.